



TECHNICAL ADVISORY COMMITTEE (TAC)

Meeting Minutes



OSPR Los Alamitos Field Office
Los Alamitos, California

April 27, 2004 9:30 a.m. – 3:45 p.m.

Attendance:

Stephen Ricks	Matt Rezvani	Joan Lundstrom	Russell Long	R. Mitchel Beauchamp
Ellen Faurot-Daniels	Linda Scourtis	Gary Gregory	Mike Ziccardi	Kevin Mercier
Carlton Moore	Stephen Sawyer	Ted Mar	Megan Walton	Marguerite Diaz
Linda Green				

The April 27, 2004 meeting of the Oil Spill Technical Advisory Committee (TAC), at the Office of Spill Prevention and Response's Los Alamitos Field Office, Los Alamitos, California, was called to order at 9:39 a.m. – Stephen Ricks, Chairperson, presiding.

I. COMMENCEMENT/INTRODUCTIONS

STEPHEN RICKS (CHAIRPERSON)/TAC

Carlton Moore introduced Linda Green, Executive Secretary, Office of Spill Prevention and Response. Participants introduced themselves. Stephen Ricks turned meeting over to Carlton Moore.

II. WELCOME/GENERAL ANNOUNCEMENTS

CARLTON MOORE

- *TAC Replacement Appointees:* Carlton Moore explained that the Senate Rules Committee indicated the Administrator should have taken proactive measures in notifying them regarding Vicki Nichols resignation to the TAC (not the Administrator's responsibility). Senate Rules Committee is actively soliciting nominations for a replacement appointee to TAC.
- *Board Commissions:* There have been several thousand applications to various appointments to Board Commissions. When Tom Moore resigned from TAC, the industry recommended Alex Walker for appointment to TAC; however, recommendations and nominations are not being moved on, because the Governor is very interested in reducing State Government (refer to article regarding "Silent Revolution" to reduce government staff). Budget letter directed all departments and agencies to undergo additional reductions with emphasis on staff and consolidation of agencies.
- *California Performance Review (CPR):* Five months ago the Governor's office put together the California Performance Review process comprised of a select number of individuals from State Government using fairly high level management, who are assigned to a blue ribbon group to explore government to achieve efficiencies by consolidation, and elimination of duplicative efforts.
 - The CPR is tasks with making recommendations to the Governor as to how to better organize government. The advisors to the Governor have used the Federal government and what was done in Texas as a model (elimination of agencies).
 - Mr. Moore has been on five calls with the CPR organization about proper placement, what would it take, what is the upside, what is the downside.
 - No information has been shared by the CPR.
 - *Rumors:* Looks like OSPR may be placed in Cal-EPA. OSPR may not change, people would remain the same (wardens are still in question), and letterhead may change. Additionally, there is a rumor that the Department of Fish and Game (DFG) is moving to Cal-EPA. OSPR may be pulled out of DFG and OSPR may be a stand alone.
 - *Process:* Due to statutes, legislature would have to change the law, prior to changing the agencies that are governed by statute. There is a Little Hoover Commission, who will make recommendations within 30 days. It will then go to the Legislature, who will have 60 days to act. The legislature is unhappy with the process, because they were not invited into the process. Some things can be done by executive order some cannot because they are constitutional changes.
- *Sacramento Bee article:* There is a target goal to reduce appointees. If you add all the Governor's appointees, (Commissions, Committees, Advisory Boards, Advisory Groups, etc.) there is 2,600 appointees, and the target is to eliminate 1,400 appointees.
- *SB 849 positions:* OSPR received reply for exemption request to fill 19 positions (9 positions filled).
- *LNG:* FERC issued a legal finding that they had exclusion jurisdiction over LNG (unclear – limited timeframe). California Public Utilities Commission, Air Resources Board, and OSPR have decided to intervene on the FERC ruling. Fish and Game doesn't really have an issue, but the Energy Commission has an issue. The State has been excluded from the review process as it relates to LNG by a very broad FERC ruling. Proposal for Humboldt Bay – CalPine Energy pulled their proposal. Since picked up a proposal from Camp Pendleton.

III. APPROVAL OF THE MINUTES

STEPHEN RICKS (CHAIRPERSON)/TAC

Joan Lundstrom moved for approval of the minutes. Mike Ziccardi seconded, unanimously approved.

IV. AGENCY REPORTS

CCC/BCDC/SLC

California Coastal Commission:

- Harbor Safety Committees: Fairly routine.
- South Coast Area Committee: Is planning to do a drill on a cruise ship tentatively in September 2004.
- Area Committees are waiting to hear updates on give their initial presentations on the draft California Dispersant Plans. South Coast and North Coast will give their presentations in May 2004. Other areas are waiting for the redraft. The Dispersant Plan did get drilled during the SONS drill and went fairly well (a few changes will be made to the draft as a result of SONS).
- Regional Response Team Meeting: Distributed draft of the regional area contingency plan. Area are revising the contingency plans to pull into the regional plans.

State Lands Commission:

- Positions down to 50 positions from 63, with 4 moved to OSPR. Filed for exemptions, with no response. Have some new positions through the Ballast Water program. Will have an opportunity to have some new inspectors as a result of these 18 positions, but will still have to obtain hiring freeze exemptions. Examination notice has been sent out for this inspector class -- no other State agency uses this class; therefore, new inspectors will be coming from the outside. Very few applications received for these positions. Classification pay levels have decreased or stayed the same for these positions in the past 12 years; therefore, the classification is not competitive. Will have to work with DPR. OSPR has a similar sort of class (Oil Spill Control Assistant), but does not have anyone in those positions.
- *Northern CA Customer Service Meeting*: USCG did present a public service commendation to the Marine Facilities Division, and a person commendation to Ken Leverage, who is the supervisor. The public service commendation is in report.
- Monthly operations report, through the month of April 2004. Percentages are slipping below the initial 30% to 18%. Engineering is described on MOTEMS – going through the Building Standards. Make MOTEMS to apply to LNG terminals.
- *Otter program*: 29 reports from Chevron/Texaco and 6 from Veneco. SLC is putting together a short report for the Legislature based on that information (report will be given to OSPR at next meeting). Shell has a number of reports coming in.
- Outreach: Customer Service Meetings is getting crowds of over 100 people. Prevention First 2004 is coming up in September 14-15.

SF Bay Conservation and Development Commission:

- *Sharing the Bay*: Boater safety video (16 minutes) completed. Distribution will be 250 copies. Primary target was the organized groups, marinas, etc.
- *Area Committee*: Discussed face-to face meetings to control local contingency plans. Scope of the Work may be broadened to include other emergency response groups.
- *Harbor Safety Committee*: Staff unable to attend last meeting due to training at OSPR on the Liaison Officers role - BCDC did not attend.

V. 2004 NATIONAL HARBOR SAFETY COMMITTEE CONVENTION

CARLTON MOORE

Meeting to discuss potentially sponsoring the NHSCC in California and whether the convention should be in California.

USCG is looking at this forum to discuss issues which are important to ports and harbors (including: safety and security).

- OSPR, Marine Exchange, and Harbor Safety Committee Chairs attended the convention.
- Steering group is going to recommend putting this together.
- Need approximately \$180,000 (not beyond) to put on this event.
- OSPR would like to put on this event and is looking into obtaining signed contract guarantees. OSPR will have a little bit more control on agenda if they put on this event.
- Next Harbor Safety Committee Convention in February 2005 probably in the Long Beach area.

VI. BIENNIAL TAC REPORT

CARLTON MOORE/TAC

Stephen Ricks will work with Marguerite to put together highlights of the minutes for the last two years. The members shall provide future issues discuss to Stephen Ricks. Agency reports and individual comments/recommendations provide to Marguerite with any changes. Attempt to have a smooth draft at the next meeting, and vote at October meeting to provide report.

VII. SONS REPORT

TED MAR

- *Hotwash*: Comments due to the drill coordinators end of July. Comments will be consolidated into a report.
- This SONS was the largest drill ever put on by the USCG, State of California and industry, which included out-of-state waters, occurred off of San Diego and Mexico (terminal Island, Encinada and a regional command, in Los Alamitos which turned into a National Incident Command center).
- Testing: The National Response Plan, Regional Contingency Plans, and the MEXIS Plan; State salvage regulations; approved dispersant policy.
- Primary Federal official and his staff at the National Incident Command.
- The Department of Labor Commissioners – tested through the NP. Was given flexibility. From Coordinators point of view, all 6 objectives were met, 126 sub-objectives were met. Controllers had some problems. Recognized there were a lot of new folks attending a drill for the first time both with the USCG and the State.
- OSPR will be holding its own hotwash to show how we can improve, how we can use technology better.
- *Scenarios*: Virtual explosion off tank vessel Mariner. National Response Plan was played up, so the FBI was notified. The FBI needed to complete investigation before allowing anyone on the ship. Regional Incident Command stood up at Los Alamitos. By Noon, there was another incident -- an erratic fishing vessels collided with a tank barge off San Diego. There was an FBI boarding of the vessel off of San Diego as part of the drill. Fishing boat Captain was on hit list. Once that incident occurred, then the Mexican Government became concerned and setup an Incident Command in Encinada. NOAA setup trajectories. Control folks forced the issue by having canned weather, they had some real serious engineering issues. Control was able to force or prompt issues. The National Contingency Plan and other plans will be merged into the National Pollution Response Manual. Mexico is not set up for bird rescue and/or wildlife recovery.
- *Sensitive sites*: GIS came up with a bunch of sensitive sites along San Diego, control cranked up the weather. USFWS stated you cannot bring tanker into San Diego because there was a Least Tern scenario.

Intensive discussions raised by TAC and agency participants regarding dispersants. Suggestions to include recommendations and lessons learned from the SONS drill a July meeting.

VIII. LEGISLATION

JOAN LUNDSTROM

- *SB 1472*: OSPR omnibus bill to redefine marine waters and spills, to look at the per day provision, and it revamped the membership criteria for the Harbor Safety Committees.
- *SB 1480*: Senator Sher purports to require the Administrator to establish requirement for tug escorts for ships carrying hazardous cargo. OSPR prepared an analysis and is providing input where applicable. The Administrator does not require tug escorts because there is no statutory authority, regulatory authority or money to support the program (not legitimate expense out of the OSPAF). Sher would like to use some of the Environmental Enhancement Fund for tug escort bulk hazardous carrier enforcement program. Sher made recommendation to the Legislature to have funding come out of the Environmental Enhancement Fund -- OSPR agreed to look at the bill. OSPR needs to work with Senator Sher's office to look for an appropriate funding source. The Environmental Enhancement Fund is usually used on project to restore, rehabilitate or remediate in the coastal area.
- *SB 1480, AB 2777*: Adminstrator would develop, implement and enforce regulations as they relate to vessels carrying hazardous types of cargo.
- *Cruise Ships*: Two bills which currently prohibit discharge of grey water in the Monterey Natural Sanctuary. The regional board is the enforcement agency.
- *AB 1981*: Regulates marine facilities that are production facility and where any permitting agencies is required to review proposals for sighting or reopening must first go to the SLC and to OSPR for comments. These comments go back to the permitting agency before the decision is made. OSPR had a concern that the bill identified oil and petroleum products, but there was no cross-reference in the bill as to what that meant. Expect no positions on bills for about 3-4 weeks.

- *Tug Escort workgroup:* In 1998, the workgroup was formed because of one anhydrous ammonia tanker lost steering. In 1998 it was recommended to have a tug escort. SF Harbor Safety Committee came to the conclusion they would not be recommending tug escorts because the definition of hazardous cargo is vague and too broad. In February due to an article in the San Jose Mercury News that stated that there are more chemical tankers, the SF Harbor Safety Committee took another look at tug escort issue and found that data supports that the chemical tanker trade is the same as it has been over the years. The Captain of the Port can require a tug escort at any time. Russell Long strongly emphasized that he would like to have regulations that gives the Administrator the authority to determine which vessels carrying hazardous cargo need to have tug escorts and to define what constitutes hazardous cargo. Questions arose on funding, enforcement, implementation, etc.

IX. LIQUEFIED NATURAL GAS PROPOSALS**CARLTON MOORE/TED MAR**

LNG workgroup is interested in obtaining State position on proposals for LNG terminals (one within State waters offshore, one at the Coronado's and one off Encinada).

- Harbor Safety Committee and LA/LB has written a letter to state that the Harbor Safety Committee will look at the proposal on LNG.
- Getting a lot of attention in the Legislature -- should we regulate -- due to the FERC decision we cannot make a decision.
- Terry Taminin wrote a letter asking whether the Harbor Safety Committee would look at developing standards of care, and Gary Brown agreed to Chair that committee. USCG requested that the State not develop standards of care. The workgroup agreed to send a letter to the Administrator and to Terry Taminin saying that they had looked at this issue and have narrowly construed to be vessel movement thus operations inside the Port, not structural stuff (just waterways managements), and this is the information that currently exist day-to-day, but that the workgroup was not going to go any further in developing scenarios until there are better details provided.
- Harbor Safety Committee in Port Hueneme is looking at wave height. Not asking for a resolution of support -- asking for a forum for public concern and work with the local community all the way through this. The energy Commission has information on the needs.
- LNG vessels actually burn natural gas, which is a very clean.

Carlton Moore will keep the TAC informed on LNG proposals.

Video on Luckenbach not shown.

X. OTHER BUSINESS**ALL**

- *Suggested Agenda Items for next meeting*
 - SONS drill recommendations and lessons learned
- *Date and Location of 2004 meetings*
 - July 27, 2004 – MSRC, Concord, California
 - October 19, 2004 – San Diego (call Captain of the Port to arrange conference room/Matt Rezvani to setup vessel tour)

ADJOURN